

Docket No. 010110

Serial No. 10/043,695

REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 stand rejected under 35 USC 102(a) as being anticipated by Reddy (WO 0101666). Applicant respectfully traverses this rejection.

To anticipate a claim, the reference must teach every aspect of the claimed invention either explicitly or impliedly. (MPEP 706.02.) Each independent claim 1, 12, and 17 recites, among other things, "a list of unusable wireless communication systems" and an "avoidance criterion" associated with each entry in the list. Applicant submits that the cited reference does not teach the combination defined by the claim, particularly the quoted limitations.

Instead, Reddy merely uses a counter that counts the number of access failures for a particular base station before moving onto a next base station for acquisition when a predetermined number of acquisition failures occur for the particular base station. Thus, the independent claims and dependent claims are patentably distinguishable over the cited reference.

Accordingly, the rejection of the claims under 35 USC102(a) should be withdrawn in the next Office action. If this rejection is maintained in the next Office action, Applicant respectfully requests a pinpoint cite to the column and line number of the reference for the teaching.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee

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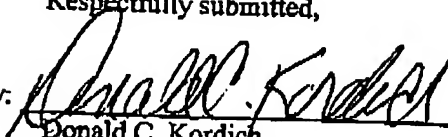
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should also be charged to our Deposit Account.

Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Dated: December 21, 2004

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